

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 ALLANNA WARREN,

4 Plaintiff

5 v.

6 DOLLAR TREE, et al.,

7 Defendants

Case No.: 2:23-cv-01377-APG-EJY

**Order Denying Motions to Vacate and
Strike**

[ECF Nos. 69, 72]

8 Plaintiff Allanna Warren filed a notice of appeal regarding my order dismissing this case
9 with prejudice. ECF No. 68. That same day, she also filed a motion to vacate my order. ECF No.
10 69. Defendant Dollar General Corporation opposed the motion to vacate. ECF No. 71. Warren
11 thereafter moved to strike Dollar's response. ECF No. 72.

12 I deny Warren's motion to vacate the judgment because she filed it as a motion based on
13 28 U.S.C. § 2255. But she has not been convicted of a crime, so § 2255 does not apply to this
14 case. Even if I treat it as a motion for reconsideration, she offers no valid basis for me to change
15 my ruling. As for her motion to strike, she argues Dollar should not have filed a response to her
16 motion because this court has no jurisdiction given her appeal. But if she is correct, then I would
17 have no jurisdiction over her motion to vacate either. Regardless, she offers no valid reason to
18 strike the opposition, so I deny it.

19 I THEREFORE ORDER that plaintiff Allanna Warren's motion to vacate (ECF No. 69)
20 and motion to strike (ECF No. 72) are DENIED.

21 DATED this 1st day of April, 2024.

22 

23 ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE